

TOWN OF AMENIA

Received

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TOWN OF AMENIA PLANNING BOARD

Resolution # 2) for 2019

Resolution Approving Amended Site Plan for R &R Concrete Services, LLC

WHEREAS, R & R Concrete Services, LLC (the "Applicant") is the owner of 1.74 acres of land located at 4177 Route 22 in Amenia, New York (the "Property") which is situated in the Town's Highway Commercial (HC) Zoning District and Aquifer Overlay District; and

WHEREAS, pursuant to Sections 121-62(C) and 121-67(C) of the Town of Amenia Zoning Code (the "Zoning Code"), on or around April 5, 2018, the Applicant submitted an application to the Planning Board seeking a special use permit and site plan approval to allow for a small concrete batch plant to be located inside an existing commercial building at the Property with related improvements (the "Project"); and

WHEREAS, on June 14, 2018, the Planning Board granted the Applicant the Special Use Permit and Site Plan Approval for the Project by resolution No. 8 of 2018; and

WHEREAS, subsequently the Applicant constructed the Project and now seeks amended site plan approval for various unapproved minor changes that were made during construction, including expansion of the site further south, increased site disturbance by approximately 0.3 acres, five total aggregate storage bins whereas three were approved, and removal of the subsurface disposal system (given the seasonal use of the business and no public access, a porta john will be provided for employees); and

WHEREAS, on or around September 18, 2019, the Applicant submitted an application for amended Site Plan Approval; and

WHEREAS, the documents submitted by the Applicant as part of its application consisted of, among other things, (1) a Land Use Application; (2) site plan prepared by Rennia Engineering Design, PLLC; (3) an Environmental Assessment Form (the "EAF"); (4) an Agricultural Data Statement; (5) the requisite filing fee and escrow amount for the application; and (6) a variety of additional documentation (the "Application"); and

WHEREAS, the Planning Board reviewed and considered all of the documents submitted by the Applicant as part of its Application; and

WHEREAS, the Planning Board had determined that the Project qualifies as a minor project under Section 121-60(C) of the Town Zoning Code because it involves the conversion of an existing structure totaling 5,000 sq. ft. to another use. Given the minor scope of the changes, the Project remains a minor project; and

WHEREAS, the Planning Board deemed the Application to be complete and referred it to the Dutchess County Department of Planning and Development ("County Planning Department") for its review and recommendation as required by Section 239-m of the NYS General Municipal Law; and

WHEREAS, the County Planning Department has reviewed the Project for countywide and inter-municipal impacts and issued a report dated October 23, 2019 stating that the Project was a matter of "local concern"; and

WHEREAS, a full environmental review under the State Environmental Quality Review Act ("SEQRA") was conducted for the Project as part of the original Planning Board approvals. Given the minor changes proposed, the Planning Board has determined that the Project is consistent with the Board's prior SEQRA review and will not result in any significant adverse environmental impacts; and

WHEREAS, in accordance with Section 121-67(D) of the Zoning Code, the Planning Board waived a public hearing for this minor site plan amendment; and

WHEREAS, the Planning Board has determined that the Project will comply with the applicable Site Plan criteria in Section 121-65(D) of the Zoning Code; and

WHEREAS, the Planning Board's determinations outlined above are based on the Applicant's representations contained in all of the Application materials submitted to the Planning Board and the Applicant's compliance with the Town of Amenia Code including the Zoning Code.

NOW, THEREFORE, BE IT RESOLVED, in accordance with Section 121-68(D)(1) of the Town's Zoning Code, the Planning Board finds that the proposed amendment is consistent with the terms of the Special Use Permit Approval and hereby approves the amended site plan for the Project, prepared by Rennia Engineering Design, PLLC and dated September 18, 2019 (last revised December 4, 2019)(the "Amended Site Plan") subject to the following conditions:

1) The Applicant shall submit a copy of the approved plans for the subsurface sewage disposal system from the Dutchess County Department of Behavioral and Community Health (DCDOH) and add a note to the Amended Site Plan that the system will be installed in accordance with such plans.

- 2) The subsurface sewage disposal system shall be installed no later than July 30, 2020. Failure to install the system by this date will constitute a violation of the Amended Site Plan and will result in enforcement action by the Town.
- 3) Until the subsurface sewage disposal system is installed, the porta john situated on the site shall remain in the rear of the Property and be well-maintained, routinely serviced, and ADA compliant. In accordance with OSHA standards, it shall also have adequate lighting and heating, as necessary.
- 4) The proposed disturbance shall be limited to 0.95 acres. Should site disturbance meet or exceed 1 acre, the Applicant shall prepare a Stormwater Prevention Pollution Plan for review and approval by the Town Engineer and obtain coverage under the NYSDEC General Permit 0-15-002.
- 5) No truck maintenance shall occur on the Property.
- 6) Prior to the execution of the Amended Site Plan, the Applicant shall pay all outstanding invoices for the Planning Board's consultants.

BE IT FURTHER RESOLVED, that the Planning Board hereby authorizes the Planning Board Chairperson to stamp and sign the Amended Site Plan upon the Applicant's compliance with all applicable conditions; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be filed in the office of the Town of Amenia Town Clerk within five (5) days of the date of this Resolution, and shall be mailed to the Applicant within the same five (5) day period.

The foregoing resolution was voted upon with all members of the Planning Board voting and signing as follows:

| | Yes | No | Abstain | Absent | Signature |
|---------------------------|----------|-------------|---------|----------|-----------|
| Robert Boyles Jr., Chairm | an | | | | Maria |
| Peter Clair | | | | | |
| John Stefanopoulos | | | | | |
| Walter Brett | <u> </u> | | | | N.B |
| Anthony Robustelli | - | | | <u> </u> | |

| Matt Deister | | <u> </u> |
|--|-----------------|--------------|
| Erich McEnroe | | |
| Dated: December 11, 2019 Amenia, New York | | v |
| Amenia, New York | | |

Robert Boyles Jr., Chairman
Town of Amenia Planning Board

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